



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,731	11/12/2003	John Baxter Rollins	RSW920030075US1	7250

37945 7590 04/27/2006

DUKE W. YEE  
YEE AND ASSOCIATES, P.C.  
P.O. BOX 802333  
DALLAS, TX 75380

EXAMINER
----------

RAYYAN, SUSAN F

ART UNIT	PAPER NUMBER
----------	--------------

2167

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/706,731

Applicant(s)

ROLLINS, JOHN BAXTER

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11122003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-22 are pending.

#### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on November 12, 2003 was filed with the original papers. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

#### **MPEP 2106 IV.B.2.(b)**

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application.

Claims 1,8,15,22 in view of the above cited MPEP sections, are not statutory because they merely recite a number of computing steps without producing any tangible

result and/or being limited to a practical application. The claim language recites "identifying data from a relational database and creating a temporary data set", "reading data from a relational database table", "preparing the data", "creating a database table for the relational database", and "placing the prepared data into the database table, wherein the prepared data is ready for analysis". The claim does not provide a concrete result as it does not store or display the results to the user.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1,4-8,11-15,18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over "SAS Connections to DB2: Tools and Techniques" by Judy Loren ("Loren") and United States Patent Number 6,728,726 issued to Phillip A. Bernstein et al ("Bernstein").**

As per claims 1,8,15,22 Loren teaches:

responsive to receiving user input, identifying data from a relational database (page 499, lines 9-11, query relational database and retrieve SAS dataset);

preparing the data read from the relational database table ...to form prepared data for analysis (page 499, lines 9-11, SAS dataset);

creating a database table for the relational database; and placing the prepared data into the database table, wherein the prepared data is ready for analysis (page 499, lines 9-12).

Loren does not explicitly teach creating a temporary data set and reading data from a relational database table in the relational database into the temporary data set created in response to the user input. Bernstein does teach this limitation at col.7, lines 30-31. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide storage for the results returned by a query (column 1, lines 65-67).

As per claims 4,11,18 same as claim arguments above and Loren teaches:  
wherein a data set in the plurality of data sets includes values for a data object and variables defining characteristics of the data object (page 499, lines 6-22).

As per claims 5,12,19 same as claim arguments above and Loren teaches:  
wherein the data set is a SAS data set (page 499, lines 11-12, SAS dataset).

As per claims 6,13,20 same as claim arguments above and Loren teaches:  
wherein the generation of output flat files is avoided (page 499, lines 6-11);

As per claims 7,14,21 same as claim arguments above and Loren teaches:  
wherein the user input is a query (page 499, line 9).

**Claims 2-3,9-10,16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over “SAS Connections to DB2: Tools and Techniques” by Judy Loren (“Loren”) and United States Patent Number 6,728,726 issued to Phillip A. Bernstein et al (“Bernstein”) in view of United States Patent Number 6,128,628 issued to Anthony C. Waclawski et al (“Waclawski”).**

As per claims 2,9,16 Loren and Bernstein do not explicitly teach responsive to additional user input identifying data located in a plurality of database tables, reading data from the plurality of database tables into a plurality of data sets, merging the data from the plurality of data sets into a single data set, preparing the data to form additional prepared data and placing the additional prepared data in the single data set into the database table. Waclawski does teach these limitations (column 5, lines 40-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to efficiently provide services such as capacity planning and other forecasting and diagnostic services (column2, lines 67- column 3, line 2).

As per claims 3,10,17 Loren and Bernstein do not explicitly teach wherein the merging step occurs after the step of preparing the data to form additional prepared data. Waclawski does teach these limitations (column 5, lines 40-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to efficiently provide services such as capacity planning and other forecasting and diagnostic services (column2, lines 67- column 3, line 2).

### Contact Information


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan Rayyan

April 17, 2006

  
SHAHID ALAM  
PRIMARY EXAMINER